

**REGULAR MEETING OF THE  
BRIGHAM CITY COUNCIL  
DECEMBER 18, 2008**

PRESENT:	Lou Ann Christensen	Mayor ( <i>excused at 8:00 p.m.</i> )
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Sue Hill	City Librarian
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Sara Lundberg	Museum-Gallery Director
	Tyler Pugsley	Public Works Assistant Director
	Dennis Sheffield	Finance Director
	Paul Tittensor	Chief of Police
	Alan Wright	Public Power Director

Mayor Christensen called the meeting to order. The Reverence Period was given by Mayor Christensen. Mayor Christensen presented the agenda as follows:

**SPECIAL RECOGNITION**

**PUBLIC COMMENT**

**CONSENT**

- Appointment to the Economic Development Board
- Appointment of an Alternate Member to the Planning Commission
- Appointment to the Advisory Council on Aging
- Appointment to the Airport Advisory Board
- Appointment to the Recreation Commission
- Appointment to the Heritage and Cultural Arts Board
- New Hire, Ambulance Department
- Appointment to the Golf Course Commission
- New Hire, Administration
- 2009 Fire Division Officers
- 2009 Ambulance Division Officers

**SCHEDULED DELEGATION**

- Bear River Mental Health Annual Report
- Revision to City Code Chapter 24.01.050, "Interference with City Employees and Willful Injury to Trees, Penalty"

**NEW BUSINESS**

- Formation of Good Landlord Program Task Force
- Request for Approval of Architectural Agreement with Cooper, Roberts, Simonsen Associates for Seismic Upgrades to the Library
- Presentation of June 30, 2008 Audit

**PLANNING COMMISSION BUSINESS**

- Upland Square Brigham City Development Agreement (*tabled*)
- Discussion on Possible Amendment to Brigham City Annexation Policy Plan
- Final Plat for Maple Springs Subdivision Located at Approximately 1000 So Medical Drive (*tabled*)

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

**CLAIMS**

- Payment Register

Councilmember Reese Jensen made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

### **SPECIAL RECOGNITION**

The Mayor made a special presentation to Dennis Sheffield, who is retiring as Director of Finance after 21 years of service to the City.

### **PUBLIC COMMENT**

There were no comments from the public.

### **CONSENT**

#### **Appointment to the Economic Development Board**

It was recommended Tyler Anderson be appointed to the Economic Development Board.

#### **Appointment of an Alternate Member to the Planning Commission**

It was also recommended Eve Jones serve as an alternate member of the Planning Commission.

#### **Appointment to the Advisory Council on Aging**

Karen Smoot was recommended to serve as a member of the Advisory Council on Aging.

#### **Appointment to the Airport Advisory Board**

Fred Kluss was recommended for appointment to the Airport Advisory Board.

#### **Appointment to the Recreation Commission**

It was recommended the Council appoint Grant Singleton as a member of the Recreation Commission.

#### **Appointment to the Heritage and Cultural Arts Board**

It was also recommended the Council appoint Jody Baird as a member of the Heritage and Cultural Arts Board.

#### **New Hire, Ambulance Department**

It was recommended Thomas Wyatt be hired as a paid-on-call EMT (Basic), effective December 20, 2008.

#### **Appointment to the Golf Course Commission**

Dwight Pearce was recommended for appointment to the Golf Course Commission.

#### **New Hire, Administration**

Jason Roberts was recommended for hire as Finance Director, Grade E71, effective January 5, 2009.

#### **2009 Fire Division Officers**

The following individuals were presented for approval as the 2009 Fire Division officers: Assistant Chief Robert VanderSteen, 1st Captain Justin Dickamore, 2nd Captain Dustin Yeates, 1st Lieutenant Marty Fromm, 2nd Lieutenant Brandon Bragger, Secretary Randy Parsons and Treasurer Ward Secrist.

#### **2009 Ambulance Division Officers**

The newly elected Ambulance Officers were recommended for approval by the Council: Assistant Chief Bob Burnham, Secretary Monica Warr, Training Officer Christie Petersen and Training Coordinator Shawn Howard.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded by Councilmember Ericson and unanimously carried.

## **SCHEDULED DELEGATION**

### **Bear River Mental Health Annual Report**

The individual requesting this item was not present.

### **Revision to City Code Chapter 24.01.050, "Interference with City Employees and Willful Injury to Trees, Penalty"**

Mike Phillips, Chair of the Shade Tree Commission, and Blake Fannesbeck came to the table. Mr. Phillips explained that this revision will give the City the leeway to educate and enforce some problems that have started to surface within the City. The ordinance lists those things citizens cannot do to trees in the parking strips and states that violation of these items shall be a Class B misdemeanor and that the violator shall provide restitution for any and all costs for injuring or destroying a tree. This is not currently a big problem in the city, but it is becoming more apparent that citizens are willfully neglecting the trees in the park strip. Trees are a great asset to the City and are what we are famous for.

Some councilmembers expressed concern with the severity of the punishment for violation of the ordinance. Mr. Fannesbeck explained that this is for citizens that blatantly neglect trees, knowingly not water the trees and are trying to kill them. It takes several years of neglect before trees are severely damaged. The City will do everything possible to work with the citizens if there are problems.

MOTION: Councilmember Ericson made a motion to revise the City Code Chapter 24.01.050, "Interference with City Employees and Willful Injury to Trees, Penalty" and seconded by Councilmember Christensen. Councilmember Ruth Jensen asked if City staff will work with those citizens that are financially strapped and cannot afford to water the trees. Mr. Fannesbeck said staff will work with the homeowner in this situation. Voting was as follows:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

## **NEW BUSINESS**

### **Formation of Good Landlord Program Task Force**

Mr. Johnson came forward and reported that there are five other cities in Utah that have adopted a Good Landlord Program. This program would work in coordination with landlords of rental units. It provides an incentive to landlords to be a part of the program. In these other cities there was concern that cities do not have the right to deny renting to certain people. However, criminal status is not a protected class. Landlords do not have to rent to someone who has a criminal background. To participate in the program, landlords have to agree they will screen their tenants by doing a criminal background check and verify their income. The landlords agree not to rent to someone who provides false information, if they have been convicted of any drug or alcohol related crimes within the last three years, and if they are on the sexual offender registry. It is a voluntary program, but they are strongly encouraged to participate. It is a joint agreement between the City and the landlord. Those who choose not to join will pay higher fees for business licenses. Several landlords have approached City staff about creating this program. Cities with this type of program have been able to show double digit percentage reduction in crime.

The following individuals have been asked to join the Task Force: Councilmember Ruth Jensen, Jerry Ohman, Stephanie Tugaw and Don Robinson. Staff will consist of Jared Johnson, Lt. Dennis Vincent and Eliza McGaha, Secretary. The Task Force will report back to the Council on April 7.

MOTION: Councilmember Ericson made a motion to form the Good Landlord Program Task Force with members as discussed, seconded by Councilmember Reese Jensen.

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye  
Voting was unanimously in favor.

**Request for Approval of Architectural Agreement with Cooper, Roberts, Simonsen Associates for Seismic Upgrades to the Library**

Mr. Jim Buchanan and Ms. Sue Hill came forward. Mr. Buchanan explained that this contract has been approved by the City Attorney. The contract is for a fixed fee of \$81,250. Any work beyond that would require the approval of the City Project Manager, City Administrator and the City Finance Director. This project will be funded with an earmark through Congressman Bishop.

Mr. Buchanan added that they will probably come back to the Council with Phase 2, which will be some energy efficient upgrades to the library.

MOTION: Councilmember Reese Jensen made a motion to approve the architectural agreement with Cooper, Roberts, Simonsen and Associates for the seismic upgrade of the library, seconded by Councilmember Marabella.

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye  
Motion carried unanimously.

**Presentation of June 30, 2008 Audit**

Mr. Sheffield gave a presentation on the June 30, 2008 audit (see attached).

Mayor Christensen was excused at 8:00 p.m.

Jody McFall, Heather O'Grady and Cathy Hershey joined Mr. Sheffield at the table. Ms. McFall reviewed the Management Report.

Last year they recommended that the City appoint a Grant Administrator, someone to be a central point for all grants. The City assigned the City Treasurer to do this and she is doing a good job. Their finding this year is a continuing finding because she started later in the year. This has improved a lot since last year.

Another finding was the Treasurer's bond. This was reported because state statute requires a minimum level for the Treasurer's bond based on a percentage of the budgeted revenue. Due to the airport federal grant revenues, the bond was too low this year. Now that the grant revenues are done, the City is once again in compliance.

The largest finding was with utility accounts receivable. As the City has raised utility rates, the deposit for new service has not been increased. The current deposit is \$100, which barely covers one month's bill. By the time the meter is read and the bills go out, it can be up to 30 days. There could be up to two months of billings before the shut-off notices go out, and by that time customers could owe \$400-\$500 and the City only has \$100 to cover it. They suggested the City review the deposit requirement and possibly require an additional deposit if they become delinquent. This would give people that are just slow to pay more incentive to pay on time. She also suggested looking into having a late payment fee instead of an interest penalty. The City's response is that recommended procedures will be prepared for adoption by staff.

MOTION: A motion to accept the June 30, 2008 audit as submitted was made by Councilmember Christensen, seconded by Councilmember Marabella. In a discussion following the second, Councilmember Ruth Jensen suggested the Council hold a work session to discuss the economic situation and the City's budget. The motion carried with the following vote:

Councilmember Christensen - aye

Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

The Council scheduled a work session for January 13, 2009 at 9:00 a.m. Mr. Sheffield will prepare a report of revenues and expenditures and on the trend for all major categories for the last six months. Staff will prepare recommendations on cutting the budget at different phases.

## **PLANNING COMMISSION BUSINESS**

### **Discussion on Possible Amendment to Brigham City Annexation Policy Plan**

Mr. Jared Johnson indicated on a map the City's current annexation policy line. If someone in this area wants to request annexation into the City boundary, the City can accept their annexation request. He explained that he is in the process of amending the City's Capital Facilities Plan, which will affect impact fees. When amending the Facility Plan he can only look at areas within the City's annexation policy area. There are individuals in the area of the new Wakegan water and sewer lines that have expressed interest in annexing into Brigham City. This area is not currently in the City's Annexation Plan area. He felt it would be beneficial to amend the Annexation Policy Plan and Capital Facilities Plan to prepare for future annexation in this areas.

MOTION: Councilmember Ericson made a motion to instruct Mr. Johnson to continue working on the amendment to the Annexation Policy Plan, seconded by Councilmember Ruth Jensen.

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye  
The motion unanimously carried.

## **MAKING LIFE BETTER - DEPARTMENT REPORTS**

Public Works - Mr. Fannesbeck reported on the snow removal efforts. Employees put forth a lot of effort to keep the snow cleared. There are new areas that will now need to be cleared. The airport has a lot more area, Kotter Canyon will be a large addition as well as the North Forty. He reminded the Council that last spring the Council passed an amended parking ordinance in regards to snow removal. The ordinance states that after a snow storm there will be no parking on the streets until snow removal has been done curb to curb. He explained that there will be a lot of warnings before any vehicles are ticketed. Repeat offenders are the problem.

Leisure Services - Ms. Donna Pett gave a presentation on what Leisure Services is doing as part of the Making Life Better campaign.

Museum-Gallery - Ms. Sara Lundberg came forward and gave an overview of the Museum-Gallery Department's goals and their mission statement. They are a very small department with only one full-time employee and two part-time employees. They answer a lot of specific questions about historical topics and specific people and places. They are involved in historic preservation. Last year they received a grant and the granary was re-roofed and turned into a interpretive center for the Sons of Utah Pioneers. Other services the Museum provides are preserving and caring for history, museum collections, and preparing and setting up exhibits, tours and other programs. They have an interactive exhibit and a rotating exhibit, which takes up two-thirds of the space. They have 8-10 of these a year.

## **CLAIMS**

### **Payment Register**

Councilmember Ericson moved to approve General Claims dated November 30, 2008 in the amount of \$32,304.74; for December 4, \$291,713.01; December 9, \$289,886.93; December 16, \$2,177.59 . The motion was seconded and carried.

A motion to adjourn was made by Councilmember Christensen. The motion was seconded and carried unanimously. The meeting adjourned at 9:08 p.m.